

Workforce Services Guidance

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STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Guidance – Grievance and Complaint Resolution Procedures

Purpose:

The purpose of this guidance is to provide instruction on the policy and procedures required under WIOA regarding grievances and complaints from participants, subgrantees, Local Workforce Development Boards, and other interested parties.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), American Job Center Operator (AJC Operator), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (ETPs), Tennessee Secretary of State, Workforce Innovation and Opportunity Act (WIOA), Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners)

References:

5 U.S.C. 554-557 (Sections 5-8 of the Administrative Procedure Act); 5 U.S.C. 3105 and 3344 (Section 11 of the Administrative Procedure Act); 29 CFR 31.1; 29 CFR 31.8(b); 29 CFR 31.9; 29 CFR 37.35; 20 CFR 658.411; 20 CFR 677.225; 20 CFR 678.735(a); 20 CFR 678.735(c); 20 CFR 679.250; 20 CFR 683.430; 20 CFR 683.600; 20 CFR 683.600(c); 20 CFR 683.600(d); 20 CFR 683.610; 20 CFR 683.610(a); 20 CFR 683.620; 20 CFR 683.630; 20 CFR 683.630(c)(1)(i); 20 CFR 683.640; 20 CFR 686.960; 20 CFR 686.965; Eligible Training Provider List Policy; TEGL 41-14; Training and Employment Notice No. 01-17; WIOA Section 106(b)(2); WIOA

Background:

WIOA mandates that each State and Local Workforce Development Area (LWDA) or Local Workforce Development Board (LWDB) receiving an allotment under WIOA establish and maintain a procedure for WIOA grievances or complaints. Complaints, other than discrimination complaints, will originate at the local level. If a resolution is not obtained at the local level within sixty (60) days of the filing of the complaint, or either party is dissatisfied with the local hearing decision, a state-level appeal may be filed. The state-level decision may be appealed to the Secretary in the event that a decision has not been reached within sixty (60) days, or a decision has been reached and the party wishes to appeal to the Secretary.

I. Definitions:

- A) **Complainant:** the party that files the grievance.
- B) **Days:** consecutive calendar days, including weekends and holidays.
- C) **Grievance:** a written complaint filed in accordance with this policy.
- D) **Informal Resolution:** an opportunity to resolve complaints informally before they become grievances.
- E) **Interested Parties:** includes participants, subgrantees, subcontractors, service providers, One-Stop Partners, providers of training services, and other relevant parties.
- F) **Respondent:** the party who argues against the complainant or appellant.
- G) **The Secretary:** the acting officer of the U.S. Department of Labor
- H) **Service Providers:** recipients or subrecipients of WIOA Federal financial assistance that are awarded contracts to provide WIOA services under the LWDA or WIOA subrecipients.
- I) **Unit of General Local Government:** for the purpose of this guidance shall include a combination of general local government units.
- J) **Hearing Officer:** an official who conducts an investigation or administrative hearing as a disinterested, neutral party

II. Grievance Policies and Procedures Required to be Incorporated by TDLWD, LWDA, and Direct Recipients of Title I Funds:

- A) Each local area, outlying area, and direct recipient of funds under Title I of WIOA, including the State of Tennessee, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints. These grievance and complaint policies address alleged violations of the requirements of Title I of WIOA according to the requirements of this guidance.
 - 1) Jobs Corps is an exception to this policy. The grievance procedure requirements applicable to Job Corps are set forth in **20 CFR 686.960** and **20**

CFR 686.965.

- 2) All locally developed grievance and complaint policies, procedures, signed acknowledgments, and related documentation shall be maintained and made available for review by TDLWD central office staff.
- 3) All processes described in this guidance are to be made available in hard copy and posted on each LWDA's respective website, and must be available in accessible formats for persons with disabilities or other barriers, as required by law.
- 4) Grievance procedures must be posted and accessible in areas where administration or program services are provided.
- 5) A monitoring/tracking system must be maintained to document the grievances received and their disposition. The local grant recipient is responsible for maintaining these records for review for a period of three (3) years.
 - i. The retention period begins on the date of the TDLWD central office staff acceptance of the final closeout report for the grant or contract. Records shall be retained beyond three (3) years if any litigation or audit has begun, or if a claim is instituted involving the grant of agreement covered by the records. In these instances, the records shall be retained until the litigation, audit, or claim has been resolved.
- 6) TDLWD will conduct a review of all contracts, plans, and agreements to ensure the inclusion of equal opportunity policies. These documents should contain (but not be limited to):
 - i. Efforts have been made to provide equitable services across all substantial population segments.
 - ii. Both programmatic and physical access to those with physical, mental, or sensory disabilities will be provided.
- 7) Written complaints must include all of the following:
 - i. The name and address of the complainant;
 - ii. The identity of the individual or entity that the complainant alleges is responsible for discrimination;
 - iii. A description of the complainant's allegations in enough detail to allow an initial determination, establish jurisdiction, encourage timeliness, and determine the apparent merit of the complaint; and
 - iv. The complainant's signature or the signature of the complainant's authorized representative.
- 8) Written complaints from either the complainant or the complainant's authorized representative will be received by the:
 - i. TDLWD central office staff
 - ii. Local administrative entity
 - iii. Service provider; or
 - iv. One-Stop Operator

B) The State of Tennessee, in addition to each LWDA and each direct recipient of funds under Title I of WIOA, must:

- 1) Provide information about the content of the grievance and complaint procedures required by this guidance to participants and other interest parties affected by the local workforce development system (**20 CFR 683.600**).
 - 2) Require each subrecipient of funds under Title I of WIOA to provide information about the content of the grievance and complaint procedures required by this guidance. This information must be provided to participants and other interested parties affected by the local workforce development system, including One-Stop Partners and service providers (**20 CFR 683.600**).
 - 3) Make reasonable efforts to assure that the information provided will be understood by the affected participants including youth and those with limited English speaking ability (**29 CFR 37.35**).
- C) Nothing in this guidance precludes a grievant complainant from pursuing a remedy authorized under another Federal, State, or local law (**20 CFR 683.600[h]**).

III. Complaint and Grievance Flow Chart for WIOA Participants and AJC Customers (other than Migrant Seasonal Farm Worker):



IV. Complaint and Grievance Procedures:

- A) **Complaints at the Local Level:** LWDBs must create an updated complaint and grievance policy explaining procedures. According to **20 CFR 683.600(c)**, this policy must provide:
- 1) A process for dealing with grievances and complaints from participants and other interested parties, including providing one-on-one assistance for individuals with disabilities when necessary;
 - 2) An opportunity for informal resolution and a hearing to be completed within sixty (60) days of filing the complaint;
 - 3) A process which enables an individual as a party to a collective bargaining agreement, alleging a labor standards violation, to submit the grievance to a binding-arbitration procedure; and
 - 4) An opportunity for a local level appeal to TDLWD central office staff when:
 - i. No decision has been made within sixty (60) days; or
 - ii. Either party is dissatisfied with the local hearing decision.

For local complaint and grievance procedures, see Attachment I - Staff Procedure for Processing Customer Complaints, and Attachment II - Customer Process to File a Complaint and ETA 8429 Complaint Form. For Migrant Seasonal Farmworker complaints and grievances, see Attachment III. Grievances must be filed within one hundred eighty (180) calendar days of the alleged occurrence.

B) Complaints at the State Level:

State-level complaint and grievance procedures must provide (**20 CFR 683.600[d]**):

- 1) A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;
- 2) A process for resolving appeals made when no decision is reached within sixty (60) days or either party is dissatisfied with the local hearing decision;
- 3) A process for remanding grievances and complaints related to the local WIOA programs to the local area grievance process;
- 4) An opportunity for an informal hearing to be completed within sixty (60) days of the filing of the grievance or complaint; and
- 5) An opportunity for appeal to the Secretary under the circumstances described in **20 CFR 683.610(a)**.

In the event that no decision has been made within sixty (60) days, or either party is dissatisfied with the state hearing decision, a federal level appeal may be filed.

For state complaint and grievance procedures, see Attachment I - Staff Procedure for Processing Customer Complaint, Sections VIII-IX.

C) Complaints at the Federal Level (20 CFR 683.610):

- 1) The Secretary investigates allegations arising through the grievance procedures described in **20 CFR 683.600** when:

- i) A decision on a grievance or complaint under **20 CFR 683.600(d)** has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; or
 - ii) A decision on a grievance or complaint under **20 CFR 683.600(d)** has been reached and the party wishes to appeal to the Secretary.
- 2) The Secretary must make a final decision on an appeal under paragraph (1) of this section no later than one hundred and twenty (120) days after receiving the appeal.
- 3) Appeals made under paragraph (1)(ii) of this section must be filed within sixty (60) days of the receipt of the decision being appealed. Appeals made under paragraph (1)(i) of this section must be filed within one hundred twenty (120) days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.
- 4) Except for complaints arising under **WIOA Section 184(f)** or **WIOA Section 188**, grievances or complaints made directly to the Secretary will be referred to the appropriate State or local area for resolution in accordance with this section, unless the Department notifies the parties that the Department of Labor will investigate the grievance under the procedures at **20 CFR 683.430**.

V. Direct Recipients Complaint and Grievance Procedures (20 CFR 683.600[e]):

- A) Procedures of direct recipients must provide:
 - 1) A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's WIOA programs, and
 - 2) An opportunity for an informal resolution and a hearing to be completed within sixty (60) days of the filing of the grievance or complaint
- B) Direct Recipients include but is not limited to LWDBs, One-Stop Operators, training providers, and service providers.

VI. Remedies That May Be Imposed Under Local, State, and Direct Recipient Grievance Procedures (WIOA Section 181[c](3)):

- A) Remedies that may be imposed for a violation of any requirement shall be limited to:
 - 1) Suspension or termination of payments under this title;
 - 2) Prohibition of placement of a participant with an employer that has violated any requirement under this title;
 - 3) Where applicable, the reinstatement of an employee, payment of lost wages

- and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; or
- 4) Where appropriate, other equitable relief.

VII. Process for the Filing of Discrimination Complaints to the Federal Civil Rights Center:

Note: the Civil Rights Center of the USDOL, not the TDLWD, will administer the functions of this section.

Local Workforce Development Boards and their administrative entities must adopt the guidance set forth in this document and **WIOA Section 188** in regards to informing their staff and contractual service providers of the requirements and prohibitions set forth in **WIOA Section 188** regarding non-discrimination.

- A) WIOA Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the One-Stop Partners listed in **WIOA Section 121(b)** that offer programs or activities through the One-Stop/American Job Center system. WIOA Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or because of an individual's participation in a program or activity that receives financial assistance under Title I of WIOA (**29 CFR Part 38**).
- B) No person in the United States shall, on the grounds of race, color, national origin, or disability, be excluded from, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance from the Department of Labor (**29 CFR Part 31.3 and 32.4**).
- 1) **Specific Discriminatory Actions Prohibited.** A recipient to which this regulation applies may not, directly or through contractual or other arrangements, on the ground of race, color, national origin or disability:
- i) Deny an individual any service, financial aid, or other benefit provided under the program;
 - ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
 - iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
 - iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
 - v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility,

- membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise afford them an opportunity to do so which is different from that afforded others under the program;
 - vii) Deny an individual an opportunity to participate in a program as an employee where a primary objective of the Federal financial assistance is to provide employment; or
 - viii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

C) Discrimination Hearings for Complaints Filed with the Civil Rights Center:

- 1) ***Opportunity for a Hearing.*** Whenever an opportunity for a hearing is required by **29 CFR 31.8(b)**, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:
 - i) Fix a date not less than twenty (20) days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing, or
 - ii) Advise the applicant or recipient that the matter in question has been set down for a hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section, or to appear at a hearing under this section, or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and **29 CFR 31.8(b)** of this part and consent to the making of a decision on the basis of such information as is available.
- 2) ***Time and Place of Hearing.*** Hearings shall be held at the offices of the Department in Washington, DC, at a time fixed by the Secretary unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary or before a hearing examiner designated in accordance with **5 U.S.C. 3105 and 3344 (Section 11 of the Administrative Procedure Act)**.

- 3) **Right to Counsel.** In all proceedings under this section, the applicant or recipient, and the Department shall have the right to be represented by counsel.
- 4) **Procedures, Evidence, and Record:**
 - 1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with **5 U.S.C. 554-557 (Sections 5-8 of the Administrative Procedure Act)**, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (1) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.
 - 2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.
- 5) **Consolidated or Joint Hearings.** In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings or rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with **29 CFR 31.1**

D) Decisions and Notices - Federal Civil Rights Hearings (29 CFR 31.9):

- 1) **Decision by a Hearing Examiner.** If the hearing is held by a hearing examiner

such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his/her recommended findings and proposed decision to the Secretary for a final decision. A copy of such initial decision or certification shall be mailed to the applicant or recipient and the complainant. Where the initial decision is made by the hearing examiner the applicant or recipient may — within thirty (30) days of the mailing of such notice of initial decision — file with the Secretary his exceptions to the initial decision, with his/her reasons therefor. In the absence of exceptions, the Secretary may on his/her own motion — within forty-five (45) days after the initial decision — serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the applicant or recipient and the complainant, if any. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.

- 2) **Decisions on Record or Review by the Secretary.** Whenever a record is certified to the Secretary for decision, or they review the decision of a hearing examiner pursuant to paragraph (1) of this section, or whenever the Secretary conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file briefs or other written statements of its contentions; a copy of the final decision of the Secretary shall be given in writing to the applicant or recipient and the complainant, if any.
- 3) **Decisions on Record Where a Hearing is Waived.** Whenever a hearing is waived pursuant to **29 CFR 31.9(a)** a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.
- 4) **Rulings Required.** Each decision of a hearing officer or the Secretary shall set forth his/her ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the part with which it is found that the applicant or recipient has failed to comply.
- 5) **Content of Orders.** The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies; this decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

6) *Post-Termination Proceedings.*

- i) An applicant or recipient adversely affected by an order issued under paragraph (3) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility, or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.
- ii) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (3) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (6)(i) of this section. If the Secretary determines that those requirements have been satisfied, he/she shall restore such eligibility.
- iii) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing, in writing, specifying why it believes the Secretary to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (6)(i) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (5) of this section shall remain in effect.

E) Questions about, or complaints alleging a violation of, the nondiscrimination provisions of WIOA Section 188 may be directed or mailed to:

Director
Civil Rights Center
U.S. Department of Labor
Room N4123
200 Constitution Avenue NW
Washington, DC 20210

For additional information visit:

https://www.dol.gov/oasam/programs/crc/pdf/EO_Notice_WIOA_English.pdf

VIII. Denial or Termination of Eligibility as a Training Provider:

All providers must meet the minimum established performance criteria, as approved by the State Board. If a LWDB denies the initial application for listing on the ETPL, the Operator must — within thirty (30) days from the date of determination — inform the applicant in writing, including the detailed reason(s) for

the denial and complete information on the appeal process. This process would be the same for any provider or apprenticeship program. More information can be found in TDLWD's ***Eligible Training Provider List Policy***.

IX. Process for Training Providers to appeal to the Local Workforce Development Board Regarding Designation of Eligible Training Provider (*Combined State Plan pages 125-126*):

- A) If the training provider wishes to appeal a decision by the LWDB based on the denial of an application:
 - 1) The LWDB appeal process must grant the training provider the opportunity to directly address the reasons for denial either in writing or through an appeal hearing.
 - 2) The LWDB must have one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the applicant in addressing the initial reasons for denial.
 - 3) The LWDB will notify the training provider of the final decision made on an appeal within thirty (30) days of receipt of the appeal.
 - 4) The LWDB appeal notification to the training provider must reference the process for filing a state appeal in the event that the training provider is not satisfied with the outcome of the local appeal.
- B) If the training provider wishes to appeal to the state after exhausting the appeal process of a Local Workforce Development Board due to dissatisfaction with a final decision:
 - 1) The applicant must submit the request within thirty (30) days from the AJC Operator's notification of their final decision of the appeal.
 - 2) The request must be in writing and include a statement of the desire to appeal.
- C) The state will promptly notify the appropriate AJC Operator and Local Workforce Development Board when it receives a request for appeal. The state will also notify the appropriate AJC Operator and Local Workforce Development Board when it makes the final decision on an appeal.
- D) The state appeal process includes the opportunity for training providers appealing a decision to have a hearing. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days before the scheduled hearing.
- E) The five member state appeals committee consists of two representatives from the TDLWD and one representative from three noninvolved LWDBs. The representatives from TDLWD are permanent members on the committee while the three local area representatives change from case-to-case. This committee will administratively review the appeal, make a preliminary decision, and notify the training provider and the Local Workforce Development Board. The committee may either uphold or reverse the Local Workforce Development Board decision.

- F) The state appeals committee must render a decision within sixty (60) days from receiving the applicant's initial state appeal request.
- G) If the training provider is found to have substantially violated any WIOA requirements then the eligibility of the provider to receive funds will be terminated for a period of not less than two (2) years (**WIOA Section 122[f][1][B]**).

Apprenticeship programs registered under the National Apprenticeship Act (NAA) are exempt from initial eligibility procedures since the vetting of these programs are done by USDOL Office of Apprenticeship. Registered Apprenticeships must only make a request to be included on the ETPL list by filling out the application in the Jobs4tn system and provide documentation that they are a certified Registered Apprenticeship program to be included on the ETPL list. Under WIOA Title 1-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list (**TEGL 41-14**). Providers receive initial eligibility for only one fiscal year for a particular program. After the initial eligibility expires, these initially-eligible providers are subject to application procedures for continued eligibility.

X. Testing and Sanctioning for Use of Controlled Substances:

- A) A State must establish due process procedures, in accordance with WIOA sec. 181(f), which provide expeditious appeal for:
 - 1) Participants in programs under Title I, Subtitle B of WIOA subject to testing for use of controlled substances, imposed under a State policy established under **WIOA Section 181(f)(1)**; and
 - 2) Participants in programs under Title I, Subtitle B of WIOA who are sanctioned, in accordance with **WIOA Section 181(f)(2)**, after testing positive for the use of controlled substances, under the policy described in **20 CFR 683.630(c)(1)(i)** of this section.

A decision under this State appeal process may not be appealed to the Secretary.

XI. Procedures Applying to the Appeals of Non-Designation of Local Areas:

Any area seeking to be designated as a LWDA, which has requested but has been denied its request for designation as a local area, may appeal the decision to the TDLWD and State Workforce Development Board (SWDB) (**Combined State Plan, Page 118**).

A) Appeals to the State:

- 1) An appeal must be in writing and filed with the TDLWD within fourteen (14) days after notification of the decision. The appeal is to be submitted to the Commissioner of the TDLWD.
- 2) The appeal must contain a specific statement of the grounds upon which the appeal is sought.

- 3) The SWDB will have sixty (60) days to review the appeal and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set forth in this policy have been met.
- 4) The final decision rests with the Governor.
- 5) If the appeal is connected to a request for initial designation under this policy, and if the appeal does not result in designation, the entity may request review by the Secretary of Labor to determine if procedural rights were granted or if the minimum criteria of **WIOA Section 106(b)(2)** or **Section 106(b)(3)** were met. This second level of appeal must be sent within 14 days to:
 - i) Assistant Secretary of Employment and Training
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, DC 20210
 - ii) A copy of the appeal must be simultaneously provided to
ETA Regional Administrator
U.S. Department of Labor
Employment and Training Administration
61 Forsyth Street, SW, Room 6M12
Atlanta, GA 30303

B) Appealing a State Decision of Initial or Subsequent Designation of a Local Area:

A unit of general local government (including a combination of such units) or grant recipient whose appeal of the denial of a request for initial or subsequent designation as a local area to the SWDB has not resulted in such designation, may appeal the SWDB's denial to the Secretary (**20 CFR 683.640**).

- 1) The appeal must be filed no later than thirty (30) days after receipt of written notification of the denial from the State WDB, and must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the SWDB.
- 2) The appellant must establish that it was not accorded procedural rights under the appeal process set forth in the State Plan, or establish that it meets the requirements for designation in **WIOA Section 106(b)(2)** or **WIOA Section 106(b)(3)** and **20 CFR 679.250** of this chapter.
- 3) If the Secretary determines that the appellant has met its burden of establishing that it was not accorded procedural rights under the appeal process set forth in the State Plan, or that it meets the requirements for designation in **WIOA Section 106(b)(2)** or **WIOA Section 106(b)(3)** and **20 CFR 679.250**, the Secretary may require that the area be designated as a local

area. In making this determination, the Secretary may consider any comments submitted by the SWDB in response to the appeal.

- 4) The Secretary must issue a written decision to the Governor and the appellant.

XII. One-Stop Infrastructure Funding Arbitration (*Combined State Plan, Pages 118-119*):

The appeals process relating to determinations for infrastructure funding are as follows:

- A) The Governor, through assistance of the SWDB, will make the final determination of each required partner's proportionate share of statewide infrastructure costs under the State funding mechanism.
- B) Any required partner may appeal the Governor's determination on the basis of a claim that:
 - 1) The Governor's determination is inconsistent with the proportionate share requirements of **20 CFR 678.735(a)**, or
 - 2) The Governor's determination is inconsistent with the cost contribution caps described in **20 CFR 678.736** and **20 CFR 678.738**.
- C) The process will ensure resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of **20 CFR 683.630**.
- D) An appeal must be made within twenty-one (21) days of the Governor's determination and must be submitted formally, in writing, by registered mail no later than the twenty-first (21st) day from the date of receipt of the notice of denial or revocation.

XIII. Procedures Applying to the Appeals of the Governor's (SWDB's) Imposition of Sanctions for Substantial Violations or Performance Failures by a Local Area:

- A) A LWDA which has been found in substantial violation of WIOA Title I, and has received notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur, may appeal such sanctions to the Secretary under **WIOA Section 184(b)(2)**. The appeal must be filed no later than thirty (30) days after receipt of written notification of the revoked plan or imposed reorganization.
- B) These sanctions do not become effective until:
 - i) The time for appeal has expired; or
 - ii) The Secretary has issued the decision for the appeal that has been submitted.
- C) A local area which has failed to meet local performance indicators for three (3) consecutive program years, and has received the Governor's notice of intent to impose a reorganization plan, may appeal to the Governor to rescind or revise such plan, in accordance with **20 CFR 677.225**.
- D) Appeals to the Secretary must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave.

NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the Governor.

- E) The Secretary will notify the Governor and the appellant in writing of the Secretary's decision within forty-five (45) days after receipt of the appeal. In making this determination, the Secretary may consider any comments submitted by the Governor in response to the appeals.

XIV. Reporting Fraud, Waste, and Abuse:

Information and complaints involving criminal fraud, abuse, or other criminal activity must be reported immediately in one of three ways, according to **20 CFR 683.620**:

- A) Call the Tennessee Comptroller of Treasury's Fraud, Waste and Abuse Hotline at 1 (800) 232-5454.
- B) Submit an Office of Investigations Incident Report to:
Inspector General
Office of Investigations (OIG) Room S5514
U.S. Department of Labor
200 Constitution Avenue, Northwest
Washington, DC 20210
- C) Submit an Office of Investigations Incident Report to Region 3:
Atlanta Regional Office
Office of Investigations: United States Department of Labor
61 Forsyth Street Southwest
Room 6T1
Atlanta, GA 30303
- D) And simultaneously provide a copy of the Office of Investigation Report to the Employment and Training Administration
1. Hotline: 1(800) 347-3756
 2. The Employment and Training Administration
 3. <https://www.oig.dol.gov/contact.htm>

Attachment I - TDLWD WIOA American Job Center: Staff Procedure for Processing Customer Complaints

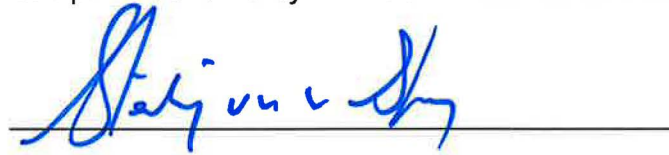
Attachment II - TDLWD WIOA American Job Center: Customer Process to File a Complaint and ETA 8429 Complaint Form

Attachment III - TDLWD WIOA American Job Center: Customer Process to File a Migrant Seasonal Farmworker Complaint and ETA 8429 Complaint Form

See Attachments I and II for the process that job seekers, AJC customers, and WIOA participants/applicants use to file complaints. See Attachment III for the MSFW complaint process.

Contact:

For any questions related to this policy, please contact Nicholas Bishop - Director of Compliance and Policy - Division of Workforce Services at Nicholas.Bishop@tn.gov



Sterling van der Spuy, Administrator



**TDLWD WIOA American Job Center:
Staff Procedure for Processing Customer Complaints**

The following process must be in place and adhered to in each AJC when a customer files a complaint.

- I. When the customer asks to file a complaint, the AJC site lead (or staff assisting the customer in the absence of the site lead) must provide a copy of the Grievance and Complaint Resolution Procedures Guidance (to include Attachment II of the Guidance) and a copy of the Complaint/Apparent Violation Form (ETA 8429). Additional forms may be downloaded at https://doleta.gov/programs/pdf/ETA_8429_Complaint_Form.pdf. The customer must file the complaint within one hundred eighty (180) calendar days of the alleged occurrence. The complaint is considered to be filed the date the customer returns the completed paperwork to the AJC.
- II. The site lead or staff assisting the customer must enter the information regarding the complaint on their AJC complaint log (form LB0552) at the time the customer asking to file the complaint is given the Grievance and Complaint Resolution Procedures Guidance and a copy of the Complaint/Apparent Violation Form. This log must be maintained at the local level, updated with pertinent information as it occurs, and submitted to TDLWD each time that it is updated with additional information.
- III. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation ***(Training and Employment Notice No. 01-17)***.
 - a. The customer should be provided with the name of the AJC site lead who will be responsible for collecting the completed form as well as where and when the form should be returned. The customer must complete the form and return it to the AJC site lead. The site lead will provide a copy of the completed form to the customer.
 - b. Part II of the Complaint/Apparent Violation form will be filled out in entirety by the site lead, and will include any actions taken, as well as whether or not the complaint/apparent violation was resolved.
 - c. For record keeping purposes, a copy of the Complaint form will be emailed by the site lead to the local area One-Stop Operator as well as the local area EEO designated officer. A copy must also be emailed to

WIOA.complaints@tn.gov. It is at this point that the local level must begin working to resolve the issue.

- IV.** Efforts will be made by the local AJC management, regional director, and LWDB EEO staff to resolve any issues at the local level. Local Workforce Development Areas must follow their local Complaint and Grievance policy, which must include the following:
- a.** A process for dealing with grievances and complaints from participants and other interested parties.
 - b.** An opportunity for informal resolution and a hearing to be completed within sixty (60) days of filing the complaint
 - c.** A process which enables an individual as a party to a collective bargaining agreement, alleging a labor standards violation, to submit the grievance to a binding-arbitration procedure
 - d.** An opportunity for a local level appeal to TDLWD central office staff when:
 - i. No decision has been made within sixty (60) days; or
 - ii. Either party is dissatisfied with the local hearing decision
- V.** In the event that a complaint or grievance cannot be resolved at the local level within 60 days and an appeal is required, the dissatisfied party must appeal the decision by emailing the complaint form and any other pertinent information to Nicholas Bishop, Director of Compliance and Policy-Division of Workforce Services (Nicholas.bishop@tn.gov). WIOA.complaints@tn.gov will also be cc'd on the email sent to Nicholas Bishop. The State EEO officer, Evelyn Gaines Guzman, should also be included on this email: Evelyn.gaines.guzman@tn.gov
- VI.** TDLWD WIOA Compliance Officer will have sixty (60) days to review the submitted documentation and will:
- a.** Issue a resolution based on the evidence provided, or
 - b.** Hold a hearing to attempt to resolve the complaint or grievance
- VII.** The Secretary (DOL) investigates allegations arising through the grievance procedures when:
- a.** A decision on a grievance or complaint has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary, or
 - b.** A decision on a grievance or complaint has been reached and the party to which such decision are adverse appeals to the Secretary.
 - c.** The Secretary must make a final decision on an appeal no later than one hundred twenty (120) days after receiving the appeal.

Attachment II

TDLWD WIOA American Job Center: Customer Process to File a Complaint and ETA 8429 Complaint Form

The following steps must be completed by the customer and staff when a customer requests to file a formal complaint:

- I. The American Job Center (AJC) customer must be provided, from staff, a copy of the Tennessee Department of Labor and Workforce Development (TDLWD) Grievance and Complaints Policy, along with this document. The AJC must also provide a copy of the Complaint/Apparent Violation Form (ETA 8429). AJC staff should provide contact information for the American Job Center lead who will be receiving the completed form.
- II. The complaint must be filed by the customer within one hundred eighty (180) calendar days of the alleged occurrence.
- III. The customer must fill out Part I of the Complaint/Apparent Violation Form and submit the form to the site lead; this document formally identifies the problem and provides an opportunity to describe the circumstances that lead to the grievance or provide a description of the apparent violation. The customer will submit this form to the American Job Center lead. Information must be provided to the customer on whom the form should be returned to, as well as where and when to return the form.
- IV. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation (***Training and Employment Notice No. 01-17***). The customer will be given a copy for their records.
- V. The customer will receive a response from the American Job Center, which will issue a determination on the complaint, within sixty (60) days of filing the Complaint/Apparent Violation Form (ETA 8429).
 - a. If a determination has not been made within sixty (60) days, or the customer is dissatisfied with the decision, then the complaint can be appealed to the TDLWD. Appeal requests should be directed to WIOA.complaints@tn.gov, Nicholas.Bishop@tn.gov and Evelyn.gaines.guzman@tn.gov.
 - b. The TDLWD will issue a determination within sixty (60) days of receiving the complaint.

- c. If a decision has not been issued within sixty (60) days, or the customer was dissatisfied with the decision, a final appeal can be made the Secretary of the United States Department of Labor.

COMPLAINTS BASED ON DISCRIMINATION

Complaints based on discrimination in violation of WIOA Section 188 may be filed directly with the Federal government (information concerning complaint submission can be found on page 9 of the TDLWD Grievance and Complaint Guidance) and submitted to the Director of the Civil Rights Center. These complaints will not be handled directly by the AJC. No participant in a WIOA program shall be discriminated against on the grounds of – but not limited to – race, color, religion, sex, national origin, age, disability, political affiliation or belief. This nondiscrimination policy applies to any program or activity that receives financial assistance under Title I. Further information concerning discrimination-based complaints can be found on pages 9-13 of the TDLWD Grievance and Complaint Guidance.

Complaints based on discrimination may be submitted using the three options below:

- Sent by postal mail to:
Director
Civil Rights Center
ATTENTION: Office of External Enforcement
U.S. Department of Labor
Room N-4123
200 Constitution Avenue NW
Washington, DC 20210
- Faxed to (202) 693-6505, Attention: Office of External Enforcement (limit of 15 pages)
- Emailed to CRCEXternalComplaints@dol.gov



For Official Use Only

Complaint/Apparent Violation Form¹

Complaint No.		Date Received	
Part I. Complainant's Information²		Respondent's Information³	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone () -	b. Temporary Telephone () -	7. Telephone Number of Employer/One-Stop Office () -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

Certification

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant ⁴	10. Date Signed / /
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¹ For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

² If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

³ For definition of "Respondent" see 20 CFR 651.

⁴ No signature is required at Part 9 if this form is submitted as an Apparent Violation.

Part II. For Official Use Only

<p>1. Migrant or Seasonal Farmworker? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>2. Complaint or Apparent Violation? Complaint <input type="checkbox"/> Apparent Violation <input type="checkbox"/></p> <p>3. Type of Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Employment Service Related <input type="checkbox"/> Job Order No. _____ <input type="checkbox"/> Against Local Employment Service Office <input type="checkbox"/> Against Employer <input type="checkbox"/> Alleged Violation of Employment Service Regulations <input type="checkbox"/> Employment-Related Law</p>	<p>4. Issue(s) involved in Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Wage Related <input type="checkbox"/> Housing <input type="checkbox"/> Child Labor <input type="checkbox"/> Pesticides <input type="checkbox"/> Working Conditions <input type="checkbox"/> Health/Safety <input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA) <input type="checkbox"/> Disability Discrimination <input type="checkbox"/> Discrimination Other⁵ (Specify) _____</p>	<p>5. H-2A/Criteria Employer ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> U.S./Domestic Worker <input type="checkbox"/> H-2A Worker <input type="checkbox"/> Wages <input type="checkbox"/> Transportation <input type="checkbox"/> Meals <input type="checkbox"/> Housing <input type="checkbox"/> Other _____</p>
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<p>6a. Referrals To Other Agencies ("X" Appropriate Box(es))</p> <p> <input type="checkbox"/> WHD. U.S. DOL. <input type="checkbox"/> OSHA U.S. D.O.L. <input type="checkbox"/> EEOC <input type="checkbox"/> Other _____ </p>	<p>7. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.)</p> <p>_____</p> <p>_____</p> <p>() ____ - ____</p>
<p>b. Follow-Up</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly </p>	<p>c. Next Follow-up Date</p> <p>_____ / ____ / ____</p>

<p>8. Explanation of Complaint/Apparent Violation (If additional space is needed, use separate sheet of paper)</p> 	<p>9. Actions Taken on Complaint/Apparent Violation (If additional space is needed for multiple actions taken, use a separate paper):</p> <p>Action Taken By: _____ On: _____</p> <p style="text-align: center;">(First and Last Name) (Date)</p> <p>Action Taken:</p>
<p>10. Complaint /Apparent Violation resolved? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain.</p>	
<p>11. Provided other One-Stop Services? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain.</p>	

12a. Name and Title of Person Receiving Complaint		12b. Office Address (No., St., City, State, ZIP Code)	
12c. Phone No. () -		12d. Signature	12e. Date / /

Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 8 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.

⁵ For DISCRIMINATION COMPLAINTS ONLY. Persons wishing to file complaints of discrimination may file either with the State Workforce Agency, or with the Directorate of Civil Rights (DCR), U. S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.C. 20210

Attachment III

TDLWD WIOA American Job Center: Customer Process to File a Migrant Seasonal Farmworker Complaint and ETA 8429 Complaint Form

- I. When the customer asks to file a complaint, the AJC must determine if the complaint is a Migrant Seasonal Farm Worker complaint. To qualify as a Migrant Seasonal Farmworker, customers must meet the criteria as follows:
 - a. **Migrant Farmworker:** Agricultural workers who, during the preceding 12 months, worked at least 25 or more days or parts of days in which some of the work performed was farm work; earned at least half their earned income from farm work; were not employed in farm work year-round by the same employer; and who travelled to do farm work and did not return to his/her place of permanent residence on the same day. Full-time students traveling in organized groups rather than with their families are excluded.
 - b. **Seasonal Farmworker:** Agricultural workers who, during the preceding 12 months, worked at least 25 or more days or parts of days in which some of the work performed was farm work; earned at least half their earned income from farm work; and were not employed in farm work year-round by the same employer.

If the customer qualifies as a Migrant Seasonal Farm Worker, the staff member must ensure that Part II, question 1 on page 2 of the USDOL Complaint/Apparent Violation Form indicates that the complaint is a Migrant or Seasonal Farmworker complaint.

- II. The American Job Center (AJC) customer must be provided, from staff, a copy of the Tennessee Department of Labor and Workforce Development (TDLWD) Grievance and Complaints Policy, along with this document. The AJC must also provide a copy of the Complaint/Apparent Violation Form (ETA 8429). AJC staff should provide contact information for the American Job Center lead who will be receiving the completed form.
- III. The complaint must be filed by the customer within one hundred eighty (180) calendar days of the alleged occurrence.
- IV. The customer must fill out Part I of the Complaint/Apparent Violation Form and submit the form to the site lead; this document formally identifies the problem and provides an opportunity to describe the circumstances that lead to the grievance or

provide a description of the apparent violation. The customer will submit this form to the American Job Center lead. Information must be provided to the customer on whom the form should be returned to, as well as where and when to return the form.

- V. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation (***Training and Employment Notice No. 01-17***). The customer will be given a copy for their records.
- VI. An attempt must be made at the local level to resolve the issue informally, except in cases where the complaint was submitted to the State Monitor Advocate (SMA) and the SMA determines that he/she must take immediate action and except in cases where informal resolution at the local level would be detrimental to the complainant. In cases where informal resolution at the local level would be detrimental to the complainant, the site lead or SMA (depending on where the complaint was filed) must immediately refer the complaint to the appropriate enforcement agency for further assistance. Concurrently, the site lead must offer to refer the MSFW to other employment services should the MSFW be interested (***20 CFR 658.411***).
- VII. If the issue is not resolved within five (5) days of filing the Complaint/Apparent Violation Form (ETA 8429), the site lead must refer the complainant to the appropriate enforcement agency for further assistance.
- VIII. If the AJC representative determines that the complaint must be referred to a state or federal agency, he/she must refer the complaint to the SMA, who must immediately refer the complaint to the appropriate enforcement agency for prompt action. The SMA's contact information must be provided to the complainant. The SMA must notify the complainant of the enforcement agency to which the complaint was referred.
- IX. To contact the SMA:
By phone, call 1-800-255-5872 and ask for the State Monitor Advocate
By e-mail WIOA.complaints@tn.gov - the subject line of the email should contain "MSFW Complaint"



For Official Use Only

Complaint/Apparent Violation Form¹

Complaint No.		Date Received	
Part I. Complainant's Information²		Respondent's Information³	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone () -	b. Temporary Telephone () -	7. Telephone Number of Employer/One-Stop Office () -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

Certification

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant ⁴	10. Date Signed / /
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¹ For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

² If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

³ For definition of "Respondent" see 20 CFR 651.

⁴ No signature is required at Part 9 if this form is submitted as an Apparent Violation.

Part II. For Official Use Only

<p>1. Migrant or Seasonal Farmworker? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>2. Complaint or Apparent Violation? Complaint <input type="checkbox"/> Apparent Violation <input type="checkbox"/></p> <p>3. Type of Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Employment Service Related <input type="checkbox"/> Job Order No. _____ <input type="checkbox"/> Against Local Employment Service Office <input type="checkbox"/> Against Employer <input type="checkbox"/> Alleged Violation of Employment Service Regulations <input type="checkbox"/> Employment-Related Law</p>	<p>4. Issue(s) involved in Complaint or Apparent Violation ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> Wage Related <input type="checkbox"/> Housing <input type="checkbox"/> Child Labor <input type="checkbox"/> Pesticides <input type="checkbox"/> Working Conditions <input type="checkbox"/> Health/Safety <input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA) <input type="checkbox"/> Disability Discrimination <input type="checkbox"/> Discrimination Other⁵ (Specify) _____</p>	<p>5. H-2A/Criteria Employer ("X" Appropriate Box(es)):</p> <p><input type="checkbox"/> U.S./Domestic Worker <input type="checkbox"/> H-2A Worker <input type="checkbox"/> Wages <input type="checkbox"/> Transportation <input type="checkbox"/> Meals <input type="checkbox"/> Housing <input type="checkbox"/> Other _____</p>
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<p>6a. Referrals To Other Agencies ("X" Appropriate Box(es))</p> <p> <input type="checkbox"/> WHD. U.S. DOL. <input type="checkbox"/> OSHA U.S. D.O.L. <input type="checkbox"/> EEOC <input type="checkbox"/> Other _____ </p> <hr/> <p>b. Follow-Up <input type="checkbox"/> Monthly c. Next Follow-up Date</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Quarterly / / </p>	<p>7. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.)</p> <p>_____</p> <p>_____</p> <p>() ____ - ____</p>
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<p>8. Explanation of Complaint/Apparent Violation (If additional space is needed, use separate sheet of paper)</p> 	<p>9. Actions Taken on Complaint/Apparent Violation (If additional space is needed for multiple actions taken, use a separate paper):</p> <p>Action Taken By: _____ On: _____</p> <p style="text-align: center;">(First and Last Name) (Date)</p> <p>Action Taken:</p>
<p>10. Complaint /Apparent Violation resolved? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain.</p>	
<p>11. Provided other One-Stop Services? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain.</p>	

12a. Name and Title of Person Receiving Complaint		12b. Office Address (No., St., City, State, ZIP Code)	
12c. Phone No. () -		12d. Signature	12e. Date / /

Public Burden Statement

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